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REMARKS

The pending claims stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,549,717 to Takeuchi et al. ("Takeuchi") in view of U.S. Patent No. 5,439,760 to Howard et al. ("Howard"). The rejections are respectfully traversed.

In the September 3, 2003 Advisory Action, the Examiner rejects Applicants arguments filed August 19, 2003 that Howard supports the claimed limitation of the anode current collector being shorter in length than the alkali strip metal. In particular, the Examiner states that the while Howard is concerned with the relative lengths of the cathode assembly and the anode assembly (i.e., the anode assembly is longer than the cathode assembly), there is nothing in Howard that implies that the alkali strip 15 is longer than the anode current collector 5. Applicant respectfully disagrees.

While column 6, lines 46-65, described by Applicant as teaching that the alkali strip 15 of Howard is longer than the anode collector 5, is concerned with the relative lengths of the cathode assembly and the anode assembly, it is also concerned with the importance of having the alkali metal layer 15 facing the cathode material. If the anode current collector 5 were not shorter than the alkali strip 15, i.e., the current collector 5 was longer than the alkali strip 15, the result would be that the current collector 5 would face the cathode material, contrary to what Howard expressly teaches. As a result, it is respectfully asserted that Howard teaches that the alkali metal layer 15 is longer than the current collector 5.

Therefore, it is respectfully asserted that Howard does teach the anode current collector being shorter than the alkali metal layer, the Examiner's assertion that the instant claims are not entitled to the filing date of Howard is in error, and therefore reliance on the parent Howard patent for teaching the claimed invention is erroneous. In addition, since the instant claims are entitled to the filing date of the Howard patent, Takeuchi is not applicable because it is

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predated by Howard. Accordingly, there are no teachings of the present invention in the prior art and it is therefore respectfully requested that the rejections be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

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Michael C. Soldner
Reg. No. 41,455
(763) 514-4842
No. 27581